SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

December 10, 2003

PART A
SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Industrial Environmental Association 2003 Conference *(Sabine Knedlik)*
On November 20, 2003, the Industrial Environmental Association (IEA) and California Manufacturers and Technology Association held their annual conference and exposition on environmental and regulatory issues in San Diego. As part of the conference, special seminars and an industrial Best Management Practices (BMP) training workshop were conducted on November 21, 2003.

At the conference, John Robertus, Executive Officer, along with two Regional Board employees from the San Francisco Bay and Los Angeles Regional Boards, gave presentations on Regional Board issues. Mr. Robertus provided copies of Region 9's recently released *Regionalization of the State Water Resource Control Board Strategic Plan* to the audience and gave an overview of the priorities and challenges discussed in the document. Other key speakers at the conference included Alexis Strauss, Director, Water Division, U.S. EPA and Pete Silva, Vice Chair, State Water Resources Control Board. Approximately 50 people listened to the presentations.

At the Friday workshop, John Phillips, supervisor of the Industrial Compliance Unit, gave a presentation on the draft general industrial storm water permit. The current general permit, Order No. 97-03-DWQ, adopted on April 17, 1997 is due for renewal in April 2004 by the State Water Resources Control Board (SWRCB). Mr. Phillips discussed the revisions to the Storm Water Pollution Prevention Plan requirements, the Monitoring and Reporting Program, and the Group Monitoring Program. Handouts were provided to the audience that summarized the proposed changes in the current general permit and the draft permit. Approximately 60 people attended the workshop.

2. Public Workshop – Naval Submarine Base TMDL *(Alan Monji)*
The Regional Board conducted a combined public workshop and California Environmental Quality Act (CEQA) scoping meeting for the Naval Submarine Base (Subase) TMDL on November 19, 2003. This meeting was a continuation of the workshop originally scheduled for October 28, 2003. The purpose of the public workshop was to inform the public about the need and plans for the Subase TMDL, present the sampling and analysis plan, request information and data, engage stakeholders, answer questions, and receive public comments. The objective of the CEQA scoping meeting was to receive comments on the scope of issues to be addressed in the "functionally equivalent" environmental documents pursuant to CEQA Section 21080.5 of the California Public Resources Code. Ten people attended the October 28

workshop and 14 people attended the November 19, 2003 workshop. Representatives from the United States Navy, environmental groups, local consultants, and the public were in attendance. The sampling and analysis plan should be finalized in December 2003 with fieldwork anticipated to begin December 2003 or early January 2004.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(David Hanson, Bryan Ott, Victor Vasquez) (Attachment B-1)*
From November 1 to November 30, 2003, there were 18 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 14 of these spills reached surface waters or storm drains, and three resulted in closure of recreational waters. Of the total number of overflows from public systems, nine were 1,000 gallons or more.

Four sewage overflows from private property in November were also reported; no overflow was 1,000 gallons or more; one reached surface waters or storm drains; and one resulted in closure of recreational waters.

A total of 0.29 inches of rainfall was recorded at San Diego's Lindbergh Field in November 2003. For comparison, in October 2003, only trace rainfall was recorded, and 13 public SSOs were reported. In November 2002, 0.32 inches of rainfall was recorded, and 24 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 2000-01 in the attached table entitled "Sanitary Sewer Overflow Statistics." Information regarding the volume of spills and a comparison of that volume to the amount conveyed by each agency has been added. From July 1, 2003 through November 30, 2003, approximately 55.5 billion gallons of sewage was conveyed of which 3.0 million gallons was spilled (0.0054%). We will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

No Notices of Violation (NOV) were issued in November.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in November 2003 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION[1]
11/7/03	Leucadia County Water District	North Green Valley Inceptor Sewer Upgrade Project	The proposed project would involve modifications to two parallel sewer pipelines including the installation of an underground infrastructure designed to divert flows to an existing pipeline for maintenance purposes; rehabilitation of 19	Conditional

			manholes; construction of 5manholes; replacement of 2 manholes; and 4point repairs to various areas of pipeline along the alignment.	
11/7/03	Prestige Homes	Skylake Estates II Project	Development of a 145-acre ranch into 38 residential single-family homes and associated infrastructure.	Conditional
11/13/03	Lakeside Investment Co., L.P.	Hillside Meadows	Development of a 146-lot residential subdivision and associated infrastructure.	Denial
11/13/03	City of San Diego, Metropolitan Wastewater Dept.	Sorrento Valley Trunk Sewer Maintenance Project	Clean and repair approximately 1.7 miles of existing 18-inch and 24-inch poly-vinyl chloride, and 10-inch and 18-inch vitrified clay sewer pipe from existing manholes.	Conditional
11/17/03	Barratt American, Inc	Capistrano Tract 29114	Development of 259 single-family residences and related infrastructure on 74.1 acres.	Conditional
11/20/03	Concordia Homes	Bonita Creek Project	Development of 120 detached condominiums on 15 acres within the City of National City.	Conditional
11/20/03	City of San Diego, Metropolitan Wastewater Dept.	Van Nuys Canyon Emergency Sewer Repair	Clean and repair approximately 5,500 linear feet of existing sewer pipe from existing manholes.	Conditional
11/20/03	Surfsong Homeowners Association	Bluff Repair and Sea Wall Installation	Construction of 125 feet of concrete seawall at the base of an existing 80 foot high failing bluff, and filling of sea caves with an erodible concrete mix.	Standard
11/21/03	National Steel and Shipbuilding Co.	Barge Mooring Dolphins	Install two pile-supported mooring dolphins between the barge and the Berth VI pier.	Standard
11/21/03	County of San Diego, Department of Public Works	Central Avenue Drainage Improvement	Improvement of a 200-foot segment of an existing drainage facility in the unincorporated area of Bonita.	Conditional
11/25/03	Spring Pacific Properties, LLC	Wolf Creek Specific Plan	Development of a 557-acre planned community in the City of Temecula.	Conditional
11/26/03	KB Homes	Tentative Tract 30167	Development of 152 single-family residential lots on 40-acres within the Winchester 1800 Specific Plan area.	Conditional

[1] Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. San Diego Municipal Storm Water Permit Update *(Phil Hammer)*

On October 16, 2003, the San Diego County Copermittees collaboratively submitted two guidance documents which serve to refine their Jurisdictional Urban Runoff Management Programs. The first document outlines the short and long-term processes and strategies the Copermittees will be using to assess the effectiveness of their programs. This includes discussions on the development of targeted outcomes and how to assess program effectiveness after targeted outcomes have been achieved. The second document is a framework for the implementation of best management practices (BMPs) at commercial and industrial sites. This document identifies applicable BMPs for various types of businesses and discusses strategies for ensuring that appropriate BMPs are implemented at commercial and industrial sites.

As guidance documents, the two reports exhibit significant progress with two challenging aspects of urban runoff management. However, considerable effort will continue to be needed on the part of the Copermittees to implement effective programs based on the guidance documents. The Regional Board will continue to work with the Copermittees on the implementation of the programs outlined in these documents, and will be reviewing the Copermittees' implementation progress in the upcoming Annual Compliance Reports, due January 31, 2003.

During the compliance evaluations of the Copermittees' urban runoff management programs, it has been found that for many Copermittees implementation of various aspects of the Standard Urban Storm Water Mitigation Plans (SUSMPs) needs improvement. The SUSMPs are plans which place requirements on new development and redevelopment to ensure that development projects are protective of water quality. To address this issue, the Regional Board will be reviewing the SUSMP implementation of select Copermittees. To date, the SUSMP program of the City of El Cajon has been evaluated.

4. Riverside County MS4 Permit Renewal Update *(Megan Quigley)*

As discussed in the November Executive Officer's Report, tentative Order No. R9-2004-001, the renewal of the MS4 NPDES permit for Riverside County, is scheduled to be presented to the Regional Board at the February 11, 2004 meeting. The Northern Watershed Protection Unit is planning to follow the tentative schedule listed below during the permit renewal process.

- On or before December 15, 2003, issue the first draft of tentative Order No. R9-2004-001 to the public for review and comment.
- The public comment period to begin on December 15, 2003.
- Conduct a workshop in January (date and location to be determined) to seek comments on the tentative Order from developers, contractors, and business owners and operators.
- A Regional Board meeting to hear verbal testimony is scheduled for February 11, 2004 at the Rancho California Water District office in Temecula.
- The written comment period to close on February 18, 2004.
- Issue a response to written comments received during the public comment period and any changes to the tentative Order in mid-March.
- Propose the tentative Order to the Regional Board at the April 14, 2004 meeting.

Upon release of the tentative Order, a public notice will be published in the Riverside Press-Enterprise notifying the public of the opportunity to submit written comments on the tentative Order by February 18, 2004 and to present verbal comments to the Regional Board at the February 11, 2004 meeting.

In addition to the public process described above, various informal meetings have been and will continue to be conducted with the Northern Watershed Protection Unit and the Permittees. The meetings serve as workshops for the Permittees to express their concerns and questions regarding the permit.

Information regarding the permit renewal, including the tentative schedule, is posted on our web page at: http://www.swrcb.ca.gov/rwqcb9/programs/rsd_stormwater.html.

5. Copper Emissions From Boat Hulls *(Pete Michael)*

A 2003 report was released by the Southern California Coastal Water Research Project (SCCWRP) funded under a section 319(h) grant and authored by Kenneth Schiff. The final report, Copper Emissions From Antifouling Paint on Recreational Vessels, is posted at http://www.swrcb.ca.gov/rwqcb9/programs/baycleanup.html. This report provides empirical information on copper release rates from boat bottoms and from experimental panels coated with different coatings: hard vinyl, modified epoxy, and a non-toxic coating. Dissolved copper release rates were measured using a recirculating dome sealed over the panels or from tubs in which hull cleaning occurred. A validation study was conducted in which a diver and boat were enclosed inside a large boat bag to isolate the particles and copper released during a hull cleaning effort.

The investigation found monthly average passive release rates of dissolved copper from hard vinyl and modified epoxy were 4.3 and 3.7 µg/cm^2/day, but only 0.2 micrograms for the non-toxic coating. Underwater hull cleaning using non-aggressive cleaning techniques or "best management practices" caused these amounts of copper to be released: 8.6 and 3.8 µg dissolved copper/cm^2/event for the modified epoxy and hard vinyl paints. Aggressive cleaning, or "worst management practices," using an abrasive product doubled the copper release rate from the modified epoxy coating but was

essentially unchanged for hard vinyl. The results of this investigation demonstrate the importance of hull paints used and divers' cleaning practices. Surprisingly, a mass loading analysis demonstrated that 95 percent of the copper releases from boat hulls comes from passive leaching for a typical powerboat.

6. Report on PPIC Statewide Special Survey on California and the Environment, November 2003 *(Sabine Knedlik)*

The Public Policy Institute of California (PPIC) is a private foundation, established in 1994, that is dedicated to provide independent and objective information on the perceptions, opinions, and policy preferences of California residents. PPIC launched a series of eight Statewide Special Surveys (two per year for four years) in May 2001 on Californians and the environment. The sixth survey report was released in November 2003 and provides a comprehensive analysis of the public's perspectives on marine and coastal issues.

The survey, which presents the responses of 2,004 adult residents throughout the state, examines the public's view on ocean and coastal conditions in California, their public policy preferences and lifestyle choices related to the ocean and coastal areas, and the state and national government's efforts in environmental protection. To record regional differences in the levels of concern on coastal issues, the survey uses North Coast, South Coast, and Inland residence subgroups. A map of the regions and the full survey report can be found on PPIC's website at *www.ppic.org*.

According to the survey, California residents place a very high value on the state's beaches and oceans and strongly support policies that protect these areas. A large majority (88%) of Californians say the condition of the ocean and beaches is personally important to them. Over half (52%) of Californians believe that the quality of the ocean along the state's shoreline has deteriorated in the past two decades, and 45 percent think the conditions could worsen over the next twenty years. Over half of residents think that ocean and beach pollution (53%), toxic substances contaminating soil and groundwater (53%), and urban and agricultural runoff polluting lakes, rivers, and streams (51%) are significant problems in California today.

Overall, residents of the South Coast region (Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties) place a greater importance on the shoreline and are more concerned about worsening coastal conditions than those that live in the North Coast or Inland regions. More South Coast residents (74%) than North Coast or Inland residents (67% and 62%, respectively) believe that the condition of the coastline is very important to California's quality of life. A far greater number of South Coast residents (62%) than North Coast (45%) or Inland (46%) residents believe that ocean and beach pollution in California are significant problems.

Close to 90 percent of all Californians agree that environmental protection should be a priority. When asked which branch of government they trust to do a better job in addressing marine and coastal issues, 42 percent said they trust the state government, 30

percent the local government, and 14 percent the federal government. Forty-four percent of residents think that the state is currently not doing enough to protect the coastal and marine environment in California, while 40 percent think that the state is doing just enough.

7. NASSCO and Southwest Marine Shipyards *(Tom Alo) (Attachment B-7)*
National Steel and Shipbuilding Company (NASSCO) and Southwest Marine, Inc. (Southwest Marine) shipyards submitted a technical report to the Regional Board on October 10, 2003. The technical report summarizes the findings of the comprehensive sediment investigation conducted within and adjacent to the NASSCO and Southwest Marine leaseholds.

Staff held a daylong public workshop at the Regional Board office on November 14, 2003 to present and received comments on the technical report. Staff also conducted a scoping meeting at the workshop for interested and affected persons to communicate their views on the types of issues that should be considered and addressed by the Regional Board in preparing the tentative Cleanup and Abatement Orders (CAO) for NASSCO and Southwest Marine. Approximately 25 members of the public attended the workshop. The workshop agenda is provided as Attachment B-7.

The Regional Board also received written comments from the public on both the technical report and CAO scoping issues. Written comments were due to the Regional Board on December 5, 2003. Staff will consider these written comments and also comments received at the workshop when drafting the tentative CAOs for NASSCO and Southwest Marine.

8. Harbor Monitoring Meeting *(Pete Michael)*
John Robertus, James Smith, and Pete Michael met with local harbor and storm water agencies on November 24, 2003 in Oceanside to present information and discuss the Regional Board's concept of a new harbor monitoring program. The program would accommodate ambient, compliance, and special investigations. Representatives of Orange County, City of Oceanside, City of San Diego, and the Port of San Diego attended the meeting. James Smith and Pete Michael gave presentations on the components of a monitoring program and on related issues such as Clean Water Act Section 303(d) and total maximum daily loads.

Participants at the meeting were interested in how to establish enough stations to provide statistically significant results while at the same time implementing an affordable monitoring effort. Various approaches were discussed, including submittal of a preliminary design by January 1, 2004 which would be followed by a detailed plan. Consultants were present at the meeting who expressed a desire to assist the local agencies. A work group of harbor agencies plans to meet again and to decide on a course of action. The Executive Officer agreed that the monitoring design principles could be submitted by March 1, 2004 instead of the January date originally requested.

9. San Diego Region Wildfires Update (*Stacey Baczkowski, Michael McCann, James Smith*)
The recent fires within San Diego County burned approximately 352,000 acres (based on Department of the Interior Burned Area Emergency Response vegetation mortality as of November 10, 2003). Of this total, approximately 344,129 acres consisted of natural vegetation and 7,873 acres consisted of developed, disturbed, and agricultural lands, and eucalyptus dominated areas. The following table summarizes impacts by watershed.

Watershed	Acres Burned	Total Acres	Percent
San Diego	191,141	277,540	69
Otay	28,427	98,486	29
Sweetwater	36,572	148,106	25
Penasquitos	15,671	103,662	15
San Dieguito	29,135	221,304	13
Tijuana	20,501	298,907	7
Carlsbad	7,915	135,202	6
San Luis Rey	18,653	359,230	5
Desert	3,986	685,076	0.6

More detailed information on impacts to plant communities and the potential impact this may have on flora and fauna within San Diego County may be found at: http://www.sdfirerecovery.net/documents/BAER%20Team%20Reports/Final%20BAER%20New.pdf

The fire affected areas will generate discharges of sediment, heavy metals, nutrients and hydrocarbons to waterbodies in affected watersheds. Turbidity, total suspended solids and even total dissolved solids will also increase. These impacts will negatively impact aquatic life along much of the inland watercourses, in estuarine waters, and ocean waters.

On November 12, 2003, the Department of Health Services collected first-flush water samples from two locations upstream of El Capitan Reservoir; over 95 percent of the reservoirs' watershed burned. Elevated concentrations of aluminum, arsenic, barium, lead, and manganese were detected in the samples as shown below.

Analyte	Sample Point 1	Sample Point 2	Units	MCL	PHG
Aluminum	**> 10,000**	**> 10,000**	ug/L	1000	600
Antimony	1.18	1.59	ug/L	6	20
Arsenic	**12.1**	**10.8**	ug/L	10	0.004
Barium	**3340**	**1450**	ug/L	1000	2000
Beryllium	*2.97*	*1.61*	ug/L	4	1
Boron	292	127	ug/L		
Cadmium	*3.83*	*2.33*	ug/L	5	0.07
Chromium	8.79	4.62	ug/L	50	
Copper	45.9	50.3	ug/L	1000	170
Lead	**313**	**141**	ug/L	50	2

Manganese	**7110**	**3290**	ug/L	50	

MCL = Maximum Contaminant Levels (Table 3-4 of the Basin Plan)
PHG = Public Health Goals
ug/L = micrograms per liter

Hydrophobic, or water-repellant soils are created as fires break down organic matter and chemicals present in the soil, releasing a gas which coats soil particles and reduces soil permeability. Hydrophobic soils reduce infiltration rates, resulting in increased runoff and erosion rates. Small storm events that do not normally result in erosive velocities or significant erosion can now generate water quality problems due to the hydrophobic nature of the soil. Wind borne ash and soil particles can also increase and be deposited in streams causing localized short- and long-term water quality problems.

Excessive sediment loads to estuaries are already a problem and anything, such as the recent wildfires, that accelerate water velocity will carry more sediment to the lagoons and estuaries. Sediments 'choke' the lagoons and destroy rare and sensitive habitat. Harbors, including Mission Bay and San Diego Bay, may exhibit some of these negative impacts.

Studies following recent fires in New Mexico and Colorado have identified short- and long-term impacts to water quality as a result of ash deposition. Nutrients (ammonium, nitrate, phosphate), turbidity, conductivity, and pH increased and dissolved oxygen decreased immediately following ash deposition. Water quality in surface waters returned to pre-fire levels several months after the fires. Long-term impacts can include changes in macroinvertebrate communities, hydrology (as a result of hydrophobic soils and lack of vegetative cover), and stream morphology. Higher nutrient levels, combined with higher water temperatures, can also lead to more extensive eutrophication than normal; eutrophication can lead to fish kills as a result of decreased oxygen within the water column.

Dissolved organic carbon tends to be higher in burned areas. This can be a concern for public drinking water supplies as trihalomethanes (THM), a potentially cancerous compound, can form when organic carbon reacts with chlorine used in the disinfection process.

David Gibson and James Smith of the Regional Board have been in contact with several local, state and federal agencies to coordinate efforts to quantify and minimize the impacts of the fires on water quality. The USGS is particularly concerned with flooding and is trying to gain an emergency appropriation to add flow meters and water quality data sondes to approx. 20 locations. Installation of this equipment may require rapid processing of 401 Certification applications so that the equipment can be installed in a timely manner. The USGS, however, may not need to apply for individual section 401 water quality certification. The placement of flow meters may be authorized by the Army Corps' Nation-wide Permit, which has been certified by the State Water Resources Control Board.

Storm water concerns associated with the fires include the potential for significant, large-scale erosion and sediment discharges; flooding as a result of clogged culverts; and potential impacts from emergency repair activities.

All affected storm water copermittees in San Diego County have been actively addressing erosion and sediment issues. Copermittee actions include installation of gravel bags, hay bales, and applied hydroseed in erosion prone areas adjacent to existing residential development, commercial areas, and roads. The County is providing free BMPs, such as sand and gravel bags, straw fiber rolls, straw mulch, erosion control blankets and seed; these are available at five County Road Stations. The County will also provide Homeowner Guidance Manuals. The County is also seeking storm water professionals to assist homeowners and other volunteers with BMP installation.

The City of Poway has continued to contact and work with the Regional Board on issues that may involve section 401 Water Quality Certification, such as cleaning culverts. The County of San Diego, Department of Public Works, has developed a process to account for repair activities that may result in the need for permits from regulatory agencies.

Caltrans and San Diego Gas and Electric (SDG&E) have also been actively involved in emergency repair activities following the fires and BMP installation. Caltrans has been applying fiber rolls, hydroseed, and bonded fiber matrix in erosion prone areas. To repair burned power poles and lines, SDG&E has been regrading access roads and cutting new roads; these roads have the potential for significant erosion and sedimentation problems during storm events. The Regional Board is working with SDG&E to ensure that appropriate BMPs are installed.

The Regional Board has been asked about active reseeding of natural burned areas as a BMP. Generally, reseeding of natural areas results in more short- and long-term harm than allowing the natural vegetation to recover on its own. If a land owner wants to address erosion and sediment concerns, they are better served by installing structural BMPs, such as check dams, fiber rolls, gravel bags, etc., than reseeding. The following website provides additional information on the impacts of reseeding and alternative BMPs: http://www.laspilitas.com/.

Regarding wastewater collection, treatment, and disposal facilities in the burned areas, no information has been received that such facilities have been adversely affected that resulted in waste discharges affecting waters of the state. In addition, there have been no reports received of illicit discharges of industrial/toxic wastes as a result of the fires.

10. Update on Wildfire Solid Waste Management *(John Odermatt) (Attachment B-10)*
On November 12, 2003, the Regional Board adopted Resolution R9-2003-0391: "An Emergency Conditional Temporary Waiver of Statutory Requirements to File a Report of

Waste Discharge and for Adoption of Waste Discharge Requirements for Management and Disposal of Solid Waste from the 2003 Wildfire Destruction in the San Diego Region." All of the existing active Class III municipal solid waste (MSW) landfills in San Diego County have been enrolled for coverage under that conditional waiver.

The Regional Board staff has included a number of local contacts and related information on our wildfire web site at:

http://www.swrcb.ca.gov/rwqcb9/misc/wildfires.html

The Regional Board Land Discharge Unit (LDU) staff continues to coordinate our efforts with the public and other local, State and Federal agencies on debris management issues in the aftermath of the wildfires that have devastated large areas of the San Diego Region. The management of solid wastes generated during the cleanup operations is a very significant challenge (see Attachment B-10a) that will require close coordination with various local, State and Federal agencies. The LDU staff have participated in weekly teleconferences with Federal, State and local agencies to discuss solid waste management and disposal issues in the aftermath of the wildfires. The LDU staff also remains in close contact with landfill operators and other State and local agencies (City and County) as they begin to work through various solid waste management issues.

To date, the management and disposal of solid wastes from wildfire destruction in the San Diego Region has been estimated as follows:

City of San Diego: West Miramar Landfill - as of 11/26/03 their records indicate approximately 6,319 tons of fire wastes

Allied Waste Inc.: Ramona, Sycamore and Otay Landfills - as of 12/1/03 their records indicate an approximate total of 21,050 tons approximately distributed as follows:

Ramona Landfill - approximately 5,000 tons

Sycamore Landfill (east of City San Diego) - 15,750 tons. The maximum solid wastes received for one day was 1,300 tons, with average approximately 650 tons per day.

Otay Landfill - 300 tons

The grand total is **27,369 tons** to date.

On November 20, 2003, the State Office of Emergency Services (OES) and Federal Emergency Management Agency (FEMA) signed an agreement concerning the Federal reimbursement eligibility requirements for debris removal work in the San Diego Region (see Attachment B-10b). The criteria establish way for public agencies to be reimbursed for costs associated with removal of debris from public right-of-way and also set significant limits for reimbursement of public agencies for removal of debris from private

property. It appears that the San Diego Region may be going through some of the same experiences shared by the citizens of Oakland after wildfires that devastated Oakland Hills area in 1991 (Attachment B-10c).

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. New Legislation Applies $3,000 Mandatory Minimum Penalty for Late Monitoring Reports (Water Code Section 13385) *(Mark Alpert)*

On October 8, 2003 the governor signed into law AB1541 (Montanez), which takes effect on January 1, 2004. Water Code Section 13385 establishes that persons who violate effluent limitations established in an National Pollutant Discharge Elimination System (NPDES) permit are liable for a mandatory minimum penalty (MMP) of $3,000 for serious and chronic violations meeting certain requirements in any period of 6 consecutive months.

The new law adds Section 13385.1 to the Water Code, classifying the failure to submit a monitoring report, required of persons subject to NPDES permits, as a "serious violation" and subject to a minimum penalty of $3,000 for each complete 30-day period that a report is late. The penalties are to be deposited into the Waste Discharge Permit Fund (WDPF) and not the Cleanup and abatement fund. The WDPF is a funding source for a number of programs at the Regional Board. The law's provisions apply only to violations that occur on or after January 1, 2004.

Prior to the December 10, 2003 meeting, the Regional Board intends to notify, by letter, all persons and entities holding NPDES permits in this region that may be affected by the new law.

2. Urban Runoff Task Force *(Phil Hammer)*

The State Water Resources Control Board (SWRCB) storm water staff convenes a bimonthly meeting called the Urban Runoff Task Force. The meeting is typically attended by storm water staff from the Regional Boards, and provides an internal forum for the discussion of storm water regulation issues. Discussions usually center on the regulatory programs for municipal, construction, and industrial storm water.

An Urban Runoff Task Force meeting was recently held on November 13, 2003. The SWRCB's proposed standard language for Phase I municipal storm water permits was discussed. This language was previously introduced at the September meeting. Since that time, the Regional Boards have provided the SWRCB with comments on an internal draft of the standard language. Due to comments from the Regional Boards, the SWRCB is reassessing its approach to the standard language. The SWRCB will provide updates on the standard language at future Urban Runoff Task Force meetings.